

Date Posted: October 2, 2011

City of East Providence

Rhode Island

DOCKET OF REGULAR COUNCIL MEETING

October 4, 2011

**City Council Chambers, 145 Taunton Avenue, East Providence, RI
02914**

7:30 PM Open Session

I. REGULAR MEETING

II. CALL TO ORDER

III. SALUTE TO THE FLAG

IV. CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters

1. Coastal Resources Management Council Cease and Desist Order to Michael and Leigh Eddy of 47 Carousel Drive (02915) Alteration to Buffer Zone Map 414, Block 01, Parcel 007. -

2. Coastal Resources Management Council Cease and Desist Order to Alexander and Theresa Kowal of 45 Carousel Drive Failed to Establish/Maintain the Required Buffer Zone Map 414, Block 01, Parcel 008. -

3. Coastal Resources Management Council Agenda Semi-Monthly Meeting, Tuesday, September 27, 2011, 6:00PM, Conference Room A, Administration Building, One Capitol Hill, Providence, RI. -

4. Letter of Resignation Received from Planning Board Member Matthew Robinson, 34 Lakeside Street (02915) -

B. Licenses

1. Class F - 1 St Mary Academy - Bay View, Performing Arts Event, November 4-6, 2011. -

2. Wrecker Tower License Sung Towing, 111 Warren Avenue (02914), Paulo Neves, 54 Valley Brook Drive. -

C. Council Journals

**1. Regular Council Meetings May 17, 2011 and June 7, 2011 –
 Vote Record - Agenda Item 1343**

- Adopted**
- Adopted as Amended**
- Defeated**
- Withdrawn**

- Tabled
- Deferred

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruc

Rogers ••••

V. PUBLIC COMMENT

VI. APPOINTMENTS

1. Juvenile Board Re-Appointment Mildred Morris, 419 Dover Avenue
(02915) -Mayor Bruce Rogers

 Vote Record - Agenda Item 1343

- Adopted
- Adopted as Amended
- Defeated
- Withdrawn
- Tabled
-

Deferred

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

**2. Planning Board - Alternate Christopher Grant, 16 Allison Court
(02915) -Mayor Bruce Rogers**

 Vote Record - Agenda Item 1344

- Adopted**
- Adopted as Amended**
- Defeated**
- Withdrawn**
- Tabled**
- Deferred**

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

VII. PUBLIC HEARINGS

**1. Alcoholic Bev/B FP Vict - Agipari Enterprises, Inc. DBA Roosters
Grill, 664 Bullocks Point Avenue (02915) Applicant Panagiotis
Sofikitis, 15 Maple Avenue, Apt 2 (02915) -**

 Vote Record - Agenda Item 1330

- Adopted**

- Adopted as Amended
- Defeated
- Withdrawn
- Tabled
- Deferred

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

VIII. ORDINANCES FINAL PASSAGE - PUBLIC HEARING

1. ORDINANCE OF THE CITY OF EAST PROVIDENCE APPROVING THE FINANCING OF IMPROVEMENTS TO THE EAST PROVIDENCE WATER SYSTEM AND ATTENDANT EXPENSES INCLUDING BUT NOT LIMITED TO ENGINEERING COSTS AND APPROVING THE ISSUANCE OF WATER REVENUE BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$2,100,000

WHEREAS, in the interest of public health and safety, the City of East Providence (the “City”) desires to make certain improvements to the City’s water system, which improvement together with all attendant expenses including but not limited to engineering costs in connection therewith are hereinafter referred to as, the “Project”;

WHEREAS, the City desires to issue an amount not to exceed Two Million, One Hundred Thousand Dollars (\$2,100,000) water system revenue bonds (the “Bonds”) or interest bearing or discounted water system revenue notes (the “Notes”) in anticipation of the issue of said Bonds of the City, at one time, or from time to time for the purpose of evidencing the borrowing described above;

WHEREAS, Chapter 46-12.8 of the Rhode Island General Laws, pursuant to which the Bonds or Notes will be issued, provides that in connection with a financing transaction with the Rhode Island Clean Water Finance Agency (the “Agency”) and notwithstanding any municipal charter to the contrary, all local governmental units shall have the power to issue local governmental obligations payable solely from water system revenues pursuant thereto without limit as to amount, and the amount of principal and premium, if any, and interest on the obligations shall not be included in the computation of any limit on the indebtedness of the local governmental unit or on the total taxes which may be levied or assessed by the local governmental unit in any year or on any assessment, levy, or other charge made by the local governmental unit on any other political subdivision or instrumentality of the State of Rhode Island;

WHEREAS, notwithstanding the foregoing provisions of Chapter 46-12.8 of the Rhode Island General Laws, the City desires to comply with the requirements set forth in Section 4.27 of the City Charter with respect to the issuance of bonds to the extent possible;

WHEREAS, the estimated maximum cost of the Project is \$2,100,000;

WHEREAS, the period of usefulness of the Project is expected to be thirty (30) years; and

WHEREAS, the net debt of the City is not affected by the issuance of the Bonds or Notes as the Bonds and Notes will not be general obligations of the City but will be payable solely from water system revenues.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAST PROVIDENCE that:

SECTION 1. The sum of Two Million One Hundred Thousand Dollars (\$2,100,000) is appropriated for the purpose of financing the Project.

SECTION 2. In accordance with Chapter 46-12.8 of the Rhode Island General Laws, the Mayor and the Director of Finance are hereby authorized to borrow an amount not exceeding Two Million One Hundred Thousand Dollars (\$2,100,000) from the Agency, and to evidence such loan as required by said Chapter 46-12.8, such officers are hereby authorized to issue and refund on behalf of the City the Bonds, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund the Notes in anticipation of the issue of said Bonds.

SECTION 4. The Bonds and Notes shall be payable solely from water system revenues. The City may issue bonds, notes, or other obligations on a parity with these Bonds as provided in the Trust Indenture (defined below). The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes.

SECTION 5. Pending the issuance of the Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the Director of Finance, at the written direction of the City Council, may expend funds from funds of the City including the General Fund for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 6. The Mayor and the Director of Finance are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver a Supplemental Trust Indenture

(the “Supplemental Indenture”) amending and supplementing the Trust Indenture dated April 1, 2004 by and between the City and U.S. Bank National Association (the “Trust Indenture”), and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the Trust Indenture, such Supplemental Indentures, the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) direct the Trustee with regard to investments of trust funds pursuant to the Trust Indenture, (iv) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Ordinance in order to effectuate said borrowing and the intent hereof.

SECTION 7. The Mayor and the Director of Finance are hereby authorized to deliver the Bonds or Notes to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.

SECTION 8. This Ordinance is an affirmative action of the City Council of the City toward the issuance of the Bonds and Notes in

accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this Ordinance, but prior to the issuance of the Bonds or Notes. Such amounts to be reimbursed shall not exceed Two Million One Hundred Thousand Dollars (\$2,100,000) and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date on which the Project is placed in service or abandoned but in no event later than three (3) years after the date on which the expenditure is paid.

SECTION 9. The Mayor and the Director of Finance are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds or Notes in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Bonds or Notes, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take

such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 10. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Director of Public Works, Steve Coutu

 Vote Record - Ordinance 1297

- **Adopted**
- **Adopted as Amended**
- **Defeated**
- **Tabled**
- **Withdrawn**
- **First Passage**

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

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chael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

IX. LICENSES NOT REQUIRING PUBLIC HEARING

All licenses subject to approval(s) from the Chief of Police, Building Inspector, State Division of Taxation and Fire Marshall.

1. Annual Renewal of Miscellaneous Licenses Authorization Granting to Renew Subject Licenses, Excluding Alcoholic Beverage Licenses, for Year Commencing December 1, 2011 Upon Application by Licensee and Approval by Chief of Police And, as Required, by Health Inspector and Other City Officials. -

 Vote Record - Agenda Item 1333

- Adopted**
- Adopted as Amended**
- Defeated**
- Withdrawn**
- Tabled**
- Deferred**

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

X. NEW BUSINESS

A. City Manager's Report (by Interim City Manager Orlando Andreoni)

1. Contract Award for Police Uniforms -

 Vote Record - Agenda Item 1323

- Adopted
- Adopted as Amended
- Defeated
- Withdrawn
- Tabled
- Deferre

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

B. Claims Committee Report (9/20/11) By Assistant Solicitor Robert Craven

ڜ Vote Record - Agenda Item 1323

- Adopted
- Adopted as Amended
- Defeated
- Withdrawn
- Tabled
- Deferred

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

C. Council Members

1. Status of East Providence Police Department Cruiser Computers - Assistant Mayor Thomas Rose Jr.

2. Grounds Maintenance Committee - Mayor Bruce Rogers

3. WinterFest - Mayor Bruce Rogers

D. Resolutions

1. RESOLUTION OBJECTING TO THE GRANTING OF A LICENSE TO TLA/POND VIEW ALLOWING THE ACCEPTANCE AND/OR PROCESSING OF CONSTRUCTION AND DEMOLITION DEBRIS IN EXCESS OF 150 TONS PER DAY

WHEREAS, RIGL Section 23-189.9-8 (h) (i) provides:

Any construction and demolition (C&D) debris processing facility under this section that is within a one thousand feet (1000') radius of a residential zone district shall not be allowed to accept and/or process in excess of one hundred fifty (150) tons per day of construction and demolition (C&D) debris where the owner or owners of the greater part of the land within a one thousand foot (1,000')

radius of the property boundary lines of the facility files an objection to the granting of a license permitting the acceptance and/or processing in excess of one hundred fifty (150) tons per day of construction and demolition debris; and

WHEREAS, the City of East Providence is the owner of certain parcels of land within a one thousand feet (1000') radius of TLA Pond View identified as follows:

MAP BLOCK PARCEL		
203	1	4
303	11	1
303	11	32
303	13	4
303	13	5
304	1	8

and

WHEREAS, January 4, 2011 the City Council for the City of East Providence adopted Resolution No. 13 wherein it declared that any expansion of TLA/Pond View is incompatible with the surrounding area which is a mix of commercial and residential uses and inconsistent with the uses allowed in a light manufacturing zone; and

WHEREAS, in that same Resolution the City of East Providence City Council declared that the expansion of TLA Pond View would undermine the goals and objectives of the City's Comprehensive Plan

relative to the development of the City's waterfront district; and

WHEREAS, in that same Resolution the City of East Providence City Council declared that the TLA /Pond View facility is a public nuisance in that it's current operation emits noxious odors and dust and produces loud noises which severely undermine the quiet enjoyment and quality of life of East Providence residents; and

WHEREAS, in that same Resolution the City Council for the City of East Providence resolved that the East Providence City Council strongly opposes the proposed expansion of the TLA/Pond View Facility and will engage in all necessary and legal means to enforce the State and local laws applicable to TLA/Pond View's application for its proposed expansion;

NOW, THEREFORE, BE IT RESOLVED that in accordance with RIGL Section 23-18.9-8 (h) (i) the East Providence City Council file an objection with the Department of Environmental Management forthwith to the granting of a license to TLA/Pond View permitting the acceptance and/or processing of construction and demolition debris in excess of 150 tons per day.

This resolution shall become effective upon its passage.

Requested By: Councilman Conley

- **Adopted**
- **Adopted as Amended**
- **Defeated**
- **Tabled**
- **Withdrawn**
- **First Passage**

Yes/Aye No/

ay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

2. STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS CITY OF EAST PROVIDENCE

**Resolution Authorizing City Council Hiring of Peter Graczykowski as
City Manager of the City of East Providence**

**WHEREAS, the City Council, assisted by a screening committee
comprised of residents of the City of East Providence, conducted a
thorough and comprehensive search for a qualified individual for the
position of City Manager; and**

WHEREAS, the City Council reviewed more than fifty applications for the position of City Manager; and

WHEREAS, the City Council, by unanimous agreement, selected Peter Graczykowski as its final candidate for the position of City Manager; and

WHEREAS, through the negotiation process, the City Council reached an agreement with Mr. Graczykowski as to the terms and conditions of his employment as follows:

DUTIES

The duties of the City Manager shall be in accordance with Article III of the Charter of the City of East Providence as follows:

The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. The manager may designate by letter filed with the city clerk a qualified administrative officer of the city to perform the duties of the city manager during his temporary absence or disability. In the event of failure of the manager to make such designation, the council may by resolution appoint an officer of the city to perform the duties of the manager until he shall return or his disability shall cease. The manager shall be responsible to the council for the proper administration of all affairs of the city and to that end he shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office, making appointments and promotions in the service of the city according to merit and fitness;

(2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption;

(3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;

(4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;

(5) Perform such other duties as may be prescribed by this Charter or required of him by the council, not inconsistent with this Charter.

In accordance with Section 3-1 of the City Charter, at the time of appointment, the City Manager need not be a resident of the city or state, but during the tenure of office, the City Manager shall reside in

the City.

II. Term and removal

The term and removal of the City Manager shall be in accordance with Sec. 2-11 of the City Charter as follows:

The council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of its members.

The removal of the City Manager may be with cause or without cause.

a. Removal for cause:

If the City removes the City Manager without cause, at least thirty (30) days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. There shall be no severance if removed for cause.

b. Removal without cause:

If the City removes the City Manager without cause after a period of one year from the date of appointment, the City will pay and provide to the City Manager, as severance pay, all of the aggregate salary and benefits the City Manager would have earned and received for a period of three (3) months, plus any accrued and unused leave the City Manager has earned to date. Said severance shall be in addition to the payment referenced in provision in (c).

c. Suspension:

By the preliminary resolution the council may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary for the next three (3) calendar months following adoption of the preliminary resolution.

d. Voluntary Resignation

In the event the employee voluntarily resigns his position with the City, he shall give the City thirty (30) days written notice. Unless otherwise agreed upon at the time of such resignation, failure of the employee to meet this notice shall result in the loss of accumulated benefits then accrued to the Employee at the time of separation in accordance with applicable law.

III. Compensation and Benefits:

Base Salary: The annual base salary for this position is One-Hundred-Twenty Five Thousand-Dollars (\$125,000.00) for services rendered payable in bi-weekly installments at the same time and manner as other employees of the City are paid.

The City Council agrees to review the City Manager's performance, salary and other benefits on an annual basis on or about the anniversary date of hire with the City. Mutually agreed goals and objectives with target dates for achievement will be established for each subsequent year in advance of setting the fiscal year's budget during which such goals are to be achieved.

The Council may, in its discretion, increase the performance based compensation and base salary.

Health and Dental Insurance: The City Manager is entitled to health (medical and prescription) and dental insurance during his employment with the City with a premium co-pay of 20% for the health insurance. Premium co-pay is subject to change and will follow Department Heads' insurance program.

Life Insurance: The City Manager shall be provided with a term life insurance policy with a death benefit equal to the annual salary of the City Manager. Any premiums necessary to obtain additional coverage will be paid for by the City Manager. The City Manager will be allowed

to name all beneficiaries under this policy.

Pension Plan: The City of East Providence is a participating municipality in MERS under the provisions of the state general laws and the City Manager will participate under their provisions.

Vacation and Sick Leave: The City Manager shall accrue 1.25 vacation days per month for a total of fifteen (15) vacation days per calendar year, exclusive of paid holidays. Sick leave shall accrue at a rate of 1.25 days per month for a total of fifteen (15) sick leave days per calendar year. The City Manager shall be allowed to accrue and carry over vacation and sick leave from one calendar year to the next. Upon separation from service, payment at his then daily rate of pay shall be made for any accrued and unused vacation days. No payment shall be made for unused sick leave days at the time of separation from service.

Personal Days: The City Manager shall be granted four (4) personal leave days per calendar year; said personal leave days shall be non-cumulative and shall not be paid if unused at the time of separation from service. Two (2) personal days shall be awarded for 2011.

Moving Expenses: The City shall pay for necessary and proper moving expenses up to \$8,000.00 from the City Manager's present residence to the City of East Providence upon submission of receipts

for said moving expenses.

a. The City agrees to pay the actual expenses of short-term or extended-term (if needed) stay at the local hotel at the outset of the City Manager's assignment for up to two (2) weeks and not to exceed One-Thousand-Five-Hundred-Dollars (\$1,500.00) in costs with an additional two (2) weeks upon presentation of good cause by the City Manager to the City Council. Such request by the City Manager shall not be unreasonably denied by the Council.

b. When practicable, payment of moving expenses will be paid directly to the vendor rather than made on a reimbursement basis. If the reimbursement method is required, and the City Manager must use his personal credit account, the City will reimburse the actual expenses and any allocated interest charges for such balances.

Bereavement Leave: In the event of the death of the City Manager's spouse, mother, father, child, sister, or brother, the City Manager will be granted four (4) days bereavement leave. In the event of the death of City Manager's mother-in-law, father-in-law, grandmother, grandfather, sister-in-law, brother-in-law, and grandchildren, the City Manager will be granted three (3) days bereavement leave. Said bereavement leave shall only be taken at the time of the event of a qualifying death.

Dues, Subscriptions, Professional Associations and Professional

Development Expenses: The City agrees to pay for membership expenses of the City Manager with ICMA and for such other professional dues, subscriptions, and necessary professional development as may be approved by the City Council.

Expenses: The City recognizes certain expenses of a non-personal and job associated nature incurred by employee and hereby agrees to reimburse employee upon submission of an expense voucher, receipt, or statement submitted to and approved by the Finance Department. The City Manager will be reimbursed for all approved expenses incurred in the performance of his duties, including but not limited to costs of transportation, lodging and attendance at appropriate city, state and national meetings and conferences, as approved by the City Council.

Motor Vehicle: The City requires that the City Manager, as a condition of his employment, have a motor vehicle available for his use on a regular basis and make use of said vehicle for travel to, from and for business purposes, which are reasonably conducive to motor vehicle travel. Accordingly, the City shall provide the City Manager access to a City motor vehicle. The City will insure such vehicle at its expense, and will pay for fuel and maintenance for such vehicle. Said vehicle is provided in lieu of mileage rate reimbursement; however, the City will reimburse the City Manager for any business related parking and toll charges. It is understood that the City Manager may use the vehicle for transport between his present residence and temporary residence

until a permanent residence in East Providence is established.

Electronic equipment: The City shall provide a cellular telephone and iPad, laptop computer and/or equivalent device only for use related to the employee's job duties and responsibilities. All maintenance and other recurring connectivity or use charges shall be the responsibility of the City, and such equipment shall remain the property of the City.

IV. Outside Employment

The City Manager shall confine compensated professional and employment activities to the business of the City except to the extent permitted in this section or otherwise approved by the City Council. On an occasional, short-term basis, the City Manager shall be permitted, if he chooses so, to undertake teaching or speaking activities. The City Manager may be compensated for such permitted activities without the loss of pay under this Agreement. These outside activities shall not interfere with the performance of the City Manager's duties under this Agreement.

The City Manager shall not be prohibited from joining or maintaining membership in professional, social, charitable organizations of his choosing, unless the new or existing membership interferes with the performance of his duties under the Agreement, provided said activities do not violate the City Charter.

NOW, THEREFORE, BE IT RESOLVED that this Resolution authorize the City Council to appoint Peter Graczykowski as City Manager for the City of East Providence under the terms and conditions as set forth herein.

This Resolution shall become effective upon its passage.

Requested By: Mayor Rogers

- Adopted**
- Adopted as Amended**
- Defeated**
- Tabled**
- Withdrawn**
- First Passage**

**Yes/Aye No/
ay Abstain Absent**
William Conley Jr ••••
Michael DiGioia ••••
Katie Kleyla ••••
Thomas Rose Jr. ••••
Bruce Rogers ••••

F. Introduction of Ordinances

1. An Ordinance in Amendment of Chapter 16 of The Revised Ordinances of the City of East Providence, Rhode Island, 1998, as Amended, Entitled “Taxation”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Chapter 16 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Taxation.” is amended by adding thereto the following:

ARTICLE IX. FINANCIAL REPORTING REQUIREMENTS

Sec. 16-95. Financial Reporting Requirements for the Finance Directors of the School Department and the City.

(a) The purpose of this ordinance is to improve the City’s ability to efficiently and effectively monitor its budget revenues and expenditures.

(b) The Finance Director for the City of East Providence School Department shall provide a monthly financial report to the Finance Director of the City of East Providence. Said monthly financial report shall at a minimum show budget to actual cumulative expenditures for each month.

(1) Such report shall list each budget line item by account number and title and shall identify the appropriations, encumbrances, expenditures and account balance for the current fiscal year.

(c) The budget to actual expenditure report provided to the City

Finance Director by the school Finance Director shall also be provided to the City Council and the School Committee.

(d) This budget to actual report shall be provided by the School Department Finance Director to the City Finance Director no later than fourteen days after the close of the previous month.

(e) The Finance Director for the School Department shall also provide the Finance Director for the City of East Providence a quarterly report which at a minimum shall contain the revenue and expense estimates for all categories in the School Department budget as provided for in section (b) (1) of this ordinance. In each instance where there is a deviation from the budget for any expenditure the report shall contain an explanation for the deviation and a corrective plan of action to reconcile the expenditure with the budget as soon as practicable.

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Councilman Conley and Councilman DiGioia

 Vote Record - Ordinance 1328

- Adopted**
- Adopted as Amended**
- Defeated**
- Tabled**
- Withdrawn**

• **First Passage**

Yes/Aye No/

ay Abstain Absent

William

Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

2. An Ordinance in Amendment of Chapter 16 of The Revised Ordinances of the City of East Providence, Rhode Island, 1998, as Amended, Entitled “Taxation”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Article IV Entitled “Property Tax on Ratable Real Estate and Tangible Personal Property and Excise Tax on Registered Motor Vehicles and Trailers” of Chapter 16 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as Amended, Entitled “Taxation.” is Amended by Adding Thereto the Following:

Sec. 16-54. Waiver of the maximum levy.

(a) The purpose of this ordinance is to ensure that the City Council

follows the highest standards of transparency regarding taxation when adopting its annual budget.

(b) The State of Rhode Island has established a maximum levy for taxation by municipalities pursuant to R.I.G.L. § 44-5 et seq. Pursuant to R.I.G.L. § 44-5-2 (d)(e), a municipality may request a waiver from the maximum tax levy and impose a tax greater than the maximum levy but the State Law requires an affirmative vote of at least four-fifths (4/5) of the full membership of the governing body of the City.

(c) The City Council may not request a waiver to the maximum tax levy pursuant to R.I.G.L. § 44-5-2 (d) (e) unless the request for the waiver is approved by a Resolution passed by a four-fifths (4/5) vote of the City of East Providence City Council. Further, the City of East Providence City Council may not exceed the maximum levy provided for in R.I.G.L. § 44-5 et seq. unless it is approved by Resolution passed by a four-fifths (4/5) vote of the City Council. Said Resolutions must specify the reasons the City Council is seeking the waiver of the maximum tax levy and contain the specific amount by which the City Council exceeds the maximum tax levy.

(d) Said Resolutions provided for in subsection (c) of this ordinance must be passed at a public hearing of the City Council.

Requested By: Councilman Conley and Councilman DiGioia

 Vote Record - Ordinance 1329

- Adopted**
- Adopted as Amended**

- Defeated
- Tabled
- Withdrawn
- First Passage

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

3. An Ordinance in Amendment of Chapter 18 of The Revised Ordinances of the City of East Providence, Rhode Island, 1998, as Amended, Entitled “Vehicles and Traffic”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Section 18-310 entitled “Same--30 minutes” of Article X entitled “Stopping, Standing and Parking” of Chapter 18 entitled “Vehicles and Traffic” is amended by adding thereto the following:

Waterman Avenue (south side) from a point 23 feet east of North Hull Street for a distance of 90 feet, except Sundays

SECTION II. This ordinance shall take effect upon second passage

and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Mayor Rogers

 Vote Record - Ordinance 1327

- **Adopted**
- **Adopted as Amended**
- **Defeated**
- **Tabled**
- **Withdrawn**
- **First Passage**

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

4. AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “LICENSES AND BUSINESS REGULATIONS”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Article II entitled “Miscellaneous Business and Occupational Licenses and Permits” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended by adding thereto the following:

Sec. 8-40. Business registration required. Each business, including, but not limited to, wholesale, retail, commercial, professional service or manufacturing, whether by sole proprietorships, partnerships, corporations or any business entity, shall register its business, company, trade or office situated in the City of East Providence with the City Clerk. Each registration shall contain the name of the firm or business, the name of the owner or operator of the firm or business, the type of business to be conducted and other basic information.

Sec. 8-41. Fees. There shall be a fee for each registration. The registration fee shall be \$25.00.

Sec. 8-42. Procedure; exemptions.

A. Upon registration of a business, a registration certificate shall be issued to the registrant. No other business of the same trade name shall be allowed to register once a certificate of registration has been issued without the approval of the prior registrant in writing. Every registration certificate shall expire the 1st day in December and shall

be renewed annually upon payment of the required fee. No certificate shall be renewed if the business fails to provide proof from the Tax Collector that all municipal taxes have been paid to date. Every certificate of registration shall be placed in a conspicuous location in each business establishment.

B. Any business required to obtain a liquor, victualling or any other license to operate under any other section of the General Laws shall be exempt from the requirement of this statute.

Sec. 8-43. Violations and penalties. Any person, whether as principal, agent, employee, or otherwise, who violates any of the provisions set forth herein, shall be fined not exceeding \$25.00 for each offense. The fines shall inure to the City, and each day that the violation continues shall be deemed to constitute a separate offense.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Finance Director Ellen Eggeman

 Vote Record - Ordinance 1296

- Adopted
- Adopted as Amended
- Defeated

- Tabled
- Withdrawn
- First Passage

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

5. An Ordinance in Amendment of Chapter 18 of The Revised Ordinances of the City of East Providence, Rhode Island, 1998, as Amended, Entitled “Vehicles and Traffic”

SECTION I. Subsection (b) of Sec. 18-269 entitled “Stop and yield intersections designated; when stops required.” is amended by adding thereto the following:

Crown Avenue (westbound traffic) at Gerald Street

Lyon Avenue (northbound and southbound traffic) at Fort Street

Grassy Plain Road (eastbound traffic) at Beverly Road

Grassy Plain Road (westbound traffic) at Tanglewood Drive

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Mayor Rogers

- **Adopted**
- **Adopted as Amended**
- **Defeated**
- **Tabled**
- **Withdrawn**
- **First Passage**

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

F. Communications

1. Anthony Ferreira, 44 Brightridge Avenue Requesting to Address the Council Regarding Budget Talks. -

2. Freddy Rypka, 9 Cozzins Street Requesting to Address the Council Regarding the Unknown. -

3. Tom Riley, 3620 Pawtucket Avenue (02915) Requesting to Address

the Council Regarding TLA/Pond View: Lies, Misrepresentations and Misconceptions. -

XI. ADJOURNMENT

ڜ Vote Record - Ordinance 1296

- **Adopted**
- **Adopted as Amended**
- **Defeated**
- **Tabled**
- **Withdrawn**
- **First Passage**

Yes/Aye No/Nay Abstain Absent

William Conley Jr ••••

Michael DiGioia ••••

Katie Kleyla ••••

Thomas Rose Jr. ••••

Bruce Rogers ••••

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590**

*** Any items listed on the Council Docket may be subject to a vote.**